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FILED

JUN 21 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 UNITED STATES OF AMERICA,) CASE NO. CR.S-96-190 DFL-GGH-P
11 Plaintiff,) APPLICATION AND [PROPOSED]
12 v.) ORDER EXTENDING DEADLINE FOR
13 JAMES ROY BARRON,) FILING THE GOVERNMENT'S
14 Defendant.) POST-HEARING BRIEF
15 _____) COURT: Hon. Gregory G. Hollows

16 Application

17 By order filed May 8, 2006, on the parties' stipulation, the
18 defendant's post-hearing brief was due May 30, 2006, and the
19 government's brief was due June 14. The defendant's brief was
20 timely filed.¹

21 After the parties agreed upon this new schedule, several
22 unexpected changes were imposed upon the prosecutor's schedule. In
23 May a colleague left the office abruptly and some of her cases were
24 re-assigned to the undersigned. One of those required substantial,
25 immediate, and ongoing work. This week, I was pressed into service
26 as the non-drug duty attorney when the person who was supposed to do
27

28 ¹ A corrected brief was filed May 31, 2006.

1 it became unavailable. I have had several duty calls, one involving
2 a death threat and another involving an extortionate threat to
3 disseminate sexually explicit photographs on the internet - both
4 requiring substantial, immediate time and attention. These duty
5 calls have absorbed time I had allotted this week for completion of
6 the brief in this case.

7 Moreover, because of other upcoming commitments - both
8 professional and personal - I will not be able to complete the brief
9 and get it filed until July 5, 2006. Professional commitments
10 include two other briefs (both of which are significantly less time
11 consuming than the one in this case), numerous court appearances,
12 and drafting half a dozen plea agreements, among other duties. One
13 of my personal commitments requires three days off work for a
14 medical procedure.

15 I have informed Suzanne Luban, counsel for movant, of these
16 matters and my request. She indicated she would not object to the
17 extension of time, in part because the undersigned accommodated her
18 own need for more time. However, she indicated that she could not
19 enter into a stipulation.

20 Therefore, the government requests that the deadline for filing
21 its post-hearing brief be extended to July 5, 2006.

22 I declare under the penalties of perjury that the foregoing
23 factual assertions are true. Executed June 14, 2006, at Sacramento
24 California.

McGREGOR W. SCOTT
United States Attorney

by /s/ Samantha S. Spangler
Samantha S. Spangler
Assistant U.S. Attorney

Order

4 IT IS SO ORDERED.

5 | DATED: June 20, 2006.

GREGORY G. HOLLOW

GREGORY G. HOLLOWES
United States Magistrate Judge